

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Breidenbach, et al.

Group Art Unit: 2173

Serial No.: 10/046,347

Examiner: Pillai, Namitha

Filed: October 26, 2001

Docket No. 10010026-1

For: **System And Method For Improving The Performance Of A Plurality Of Peripheral Devices**

REPLY BRIEF RESPONSIVE TO EXAMINER'S ANSWER

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Examiner's Answer mailed October 30, 2007 has been carefully considered.

In response thereto, please consider the following remarks.

AUTHORIZATION TO DEBIT ACCOUNT

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 08-2025.

REMARKS

The Examiner has provided in the Examiner's Answer various responses to points made in Applicant's Appeal Brief. Applicant addresses those responses in the following.

1. Casey Fails to Teach Peripheral Devices Coupled "Via a Network"

As noted in the Appeal Brief, Casey does not teach "a second peripheral device coupled to the first peripheral device via a network" as is explicitly required in Applicant's claim 1. Instead, Casey shows a printer 200 and an image input device 300 that are coupled to each other *via an adapter device 100*. See Casey, Figure 1.

While the Examiner previously argued throughout prosecution of the present application that Casey teaches peripheral device coupled to each other "via a network" because of Casey's peripheral devices are "linked" to a network 400, the Examiner now shifts his argument and alleges that Casey teaches two peripheral devices coupled via a network given that Casey shows two peripheral devices that are connected to each other and such connection somehow forms a "network."

In reply, Applicant respectfully submits that the fact that two devices are connected to each other does *not* mean they are connected to each other "via a network" within the plain and ordinary meaning of the term "network" understood by persons having skill in the art, and even the general public. Simply stated, the mere connection of two devices does not create a "network." For instance, a "network" is not created when one connects a printer to his or her PC with a parallel port cable. Similarly, a "network" is not created when one connects his or her camera to a printer

with a USB cable. Furthermore, a “network” is not created when one connects a cable television box to a television set using a coaxial cable. Missing from each one of those examples, as well as the direct-connect arrangement shown in Casey, is a network architecture to which a plurality of devices can connect and communicate with each other. Such a network architecture normally includes various “network” equipment such as servers, routers, hubs, switches, modems, network cards, and other components that transmit messages back and forth between network-enabled devices. Also missing from each one of the examples and the direct-connect arrangement shown in Casey is the use of a network protocol, such as Ethernet, HTTP, SNMP, etc. in transmitting and relaying messages. Without use of such architecture or protocols, the connection scheme illustrated and described by Casey cannot reasonably be considered to form a “network.”

Applicant further submits that the Examiner’s interpretation of the term “network” is contrary to the meaning conveyed by usage of that term in Applicant’s specification, which must be considered in interpreting Applicant’s claim terms. *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 34 USPQ2d 1321 (Fed. Cir. 1995)(in banc), aff’d, 517 U.S. 370, 38 USPQ2d 1461 (1996) (“Claims must be read in view of the specification, of which they are a part”). As shown in Figure 1 of Applicant’s disclosure, Applicant shows a network “cloud” 110, which is commonly used in the art to identify a data network. Applicant states in the application that the various devices shown in Figure 1 can be connected to the network, which is described as comprising a “local area network (LAN)” or a “wide area network (WAN), such as the Internet,” or can be “connected directly to each other.” *Applicant’s specification*, page 5, lines 10-15.

Applicant's contrasting of a network or a direct connection scheme provides clear evidence of the distinction between the two arrangements that is well understood in the art and intended by Applicant's disclosure.

Furthermore, Applicant notes that the Examiner's own interpretation of "network" appears to contradict Casey's disclosure. In particular, Casey never describes the connection between the image input device 300 and the printer 200 as comprising a network, despite the fact that Casey explicitly shows and describes a "network 400." See Casey, Figure 1. Therefore, Casey contrasts the two arrangements in the same manner as Applicant.

Moreover, that Casey's "adapter device 100" lies between the printer 200 and the image input device 300 also does not mean that their connection forms network. As interpreted by the Examiner, the adapter device 100 is "incorporated" into one of the printer and the image input device. *Examiner's Answer*, page 10, line 21 to page 11, line 16. Therefore, the Examiner interprets the connection between the printer and the image input device as being a direct connection. Clearly, such direct connection does not create a "network."

In view of the above, it is clear that the connection between Casey's printer 200 and image input device 300 does not form a network. As such, the Examiner's interpretation of Casey teaching "a second peripheral device coupled to the first peripheral device via a network" is both unwarranted and unreasonable.

2. Casey Teaches No “Personal Computer” Comprising Applicant’s Claimed Functionalities

In the Appeal Brief, Applicant noted that neither Casey nor Brockway teaches or suggests a “method practiced by a personal computer (PC)” including “searching for and identifying peripheral devices that are accessible to the PC” and “determining the capabilities of each identified peripheral device using the PC”, or a “personal computer (PC)” comprising software that is configured “to search for and identify peripheral devices” and “to determine the capabilities of each identified peripheral device using the PC”.

In the Examiner’s Answer, the Examiner now alleges that Casey discloses a “clearly defined PC in addition to the adapter device, which represents a PC.” *Examiner’s Answer*, page 13, lines 5-7. From that statement, it is difficult to determine what component within the Casey disclosure that the Examiner believes to account for Applicant’s claimed “personal computer”. Regarding the Examiner’s identification of a “clearly defined PC in addition to the adapter device,” Applicant notes that the Examiner has failed to identify any such “clearly defined PC” disclosed by the Casey reference. Instead, the Examiner merely concludes without citation of support that Casey shows such a “clearly defined PC”. In reply, Applicant submits that the Examiner has failed to make a *prima facie* case in relation to the “clearly defined PC” by failing to identify where that “PC” is disclosed in the Casey reference. Therefore, Applicant submits that no weight should be given to the portion of the Examiner’s argument that pertains to the so-called “clearly defined PC.” Although Casey does show a PC 410 in Figure 1, Applicant notes that the Examiner does not appear to rely on that PC in addressing

Applicant's claim limitation. Moreover, Casey does not state that the PC 410 searches for and identifies peripheral devices or determines the capabilities those peripheral devices.

Turning to the Examiner's argument that Casey's "adapter device 100" comprises a "personal computer", Applicant again submits that the Examiner's interpretation is unreasonable. As stated in the Appeal Brief, Casey at one point states that the adapter device 100 is "preferably packaged such that all of the components, with the exception of the control panel 110, are contained within a housing or on a relatively compact peripheral card device". Casey, column 4, line 65 to column 5, line 1. Clearly, such a "peripheral card device" would not be considered by persons having ordinary skill in the art, or the general public, as comprising a "personal computer". That Casey's adapter device 100 comprises a processor and a memory does not change that fact. Specifically, the term "personal computer" is widely understood as relating to a general-purpose desktop or laptop-type computer that normally implements an operating system, such as Microsoft Windows, Mac OS, or Linux, that is used to operate any one of a variety of software applications, such as word processing applications, spreadsheet applications, and other personal productivity applications. To equate Casey's adapter device 100 to such a "personal computer" is absurd.

As further evidence that Casey's adapter device 100 is not a "personal computer", Casey explicitly states that the adapter device enables "direct connection" of the printer 200 and the image input device 300 "without the need for a host computer." Casey, column 5, lines 17-21. Therefore, even Casey contrasts the adapter device 100 with a computer. Applicant further notes that Casey's expressed desire to avoid use of

a "host computer" teaches away from the use of a computer, such as a personal computer (PC).

In view of the above, a person having ordinary skill in the art would not think to integrate Brockway's *computer-based* detection of peripheral devices to Casey's adapter device 100.

3. No Disclosure of "Determining the Capabilities" of Peripheral Devices

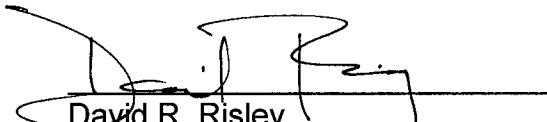
As noted in the Appeal Brief, Brockway does not disclose "determining the capabilities of each identified peripheral device". Specifically, column 2, lines 16-24 of the Brockway reference, which were relied upon by the Examiner, say nothing of determining peripheral device "capabilities." Instead, Brockway's computer merely identifies the "manufacturer and model number" of the peripheral device to enable selection of an appropriate driver. *Brockway*, column 6, lines 4-12.

In the Examiner's Answer, the Examiner simply concludes, without explanation, that identification of a manufacturer and model number of a device is determination of its "capabilities". Applicant submits that such a conclusion is not a proper argument and cannot form the basis of a *prima facie* case of obviousness. As to the merits of the Examiner's allegation, Applicant submits that make and model are not "capabilities". For example, if some says they own an "Acme computer model 123," that description says nothing whatsoever to the listener about the computer's "capabilities". Furthermore, as stated in the Appeal Brief, one cannot assume that a capability determination is made just because Brockway describes determination of "appropriate drivers", which are selected relative to the determined manufacturer and model.

CONCLUSION

In summary, it is Applicant's position that Applicant's claims are patentable over the applied prior art references and that the rejection of these claims should be withdrawn. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Applicant's pending claims.

Respectfully submitted,



David R. Risley
Registration No. 39,345